

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Wands et al.  
SERIAL NUMBER : 09/859,604 EXAMINER : Karen A. Canella  
FILING DATE : May 17, 2001 ART UNIT : 1642  
FOR : Diagnosis and Treatment of Malignant Neoplasms

Commissioner for Patents  
Washington, D.C. 20231

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RESPONSE TO RESTRICTION REQUIREMENT

In response to the Restriction Requirement (Paper 11) mailed on September 24, 2002, Applicants elect the invention of Group V (claims 35-44), drawn to antibodies, fragments thereof, and hybridoma cell lines. This election is made without traverse.

Applicant reserves the right to prosecute claims which are equal to or broader in scope in this, or future applications related to the above-identified patent application.

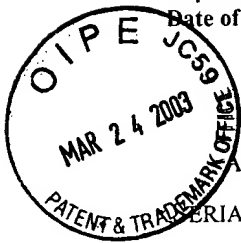
Applicants have filed concurrently herewith a petition for a five-month extension of time, along with a check to cover the \$1970.00 extension fee pursuant to C.F.R. § 1.17 (a)(2). With the extension, the response is due on or before March 24, 2003. The Commissioner is hereby authorized to charge any fee that may be due to Deposit Account No. 50-0311 (Reference No. 21486-032CIP).

Respectfully submitted,

*Ingrid Beattie*

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Date of Deposit: March 24, 2003



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## PRELIMINARY AMENDMENT

Prior to examination of the above-identified patent application, please amend the application as set forth below and consider the following remarks.

*In the Claims:*

Cancel claims 1-34 and 45-46.

Amend claims 35 and 44 as follows.

C<sup>1</sup> 35. An antibody or fragment thereof, which binds to HAAH, wherein said antibody is selected from the group consisting of 86A, 5C7 and 19B.

C<sup>2</sup> 44. A hybridoma cell line selected from the group consisting of hybridoma HA386A, hybridoma HA15C7A, and hybridoma HA219B.

## REMARKS

Claims 35-44 are pending. Claims 1-34 and 45-46 were canceled as being drawn to the non-elected invention. Claims 35 and 44 were amended to delete one member of a Markush group.

No new matter has been added by this amendment.

## CONCLUSION

On the basis of the foregoing amendments and remarks, Applicants submit that the pending claims are in condition for allowance. If there are any questions regarding these amendments and remarks, the Examiner is encouraged to contact either of the undersigned at the telephone number provided below.